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AUTHOR Lee, Young-Yon
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ABSTRACT

This paper is intended to provide school officials and teachers with the necessary legal background, procedural requirements, and guidance for appropriate implementation of individualized educational programs (IEPs) with violent students with disabilities. Specifically it addresses: (1) the legal background of special education under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973; (2) required procedures and issues related to discipline, including procedural safeguards, due process, notice, evaluation, IEP development, placement, placement changes, the stay-put provision, the Jeffords amendment, and preliminary injunction; and (3) discipline and proper IEP implementation including long-term suspension and expulsion, required procedures for the discipline of students, determination of the relationship between misconduct and disability, short-term suspension, case laws regarding discipline and IEP implementation, and discipline and IEP components. Flow charts illustrate appropriate discipline procedures in different situations. (Contains 28 references.) (DB)

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Violent Students with Disabilities and School Responsibilities

Young-Yon Lee
University of Oregon

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Introduction

Increasing violence in schools is a top public concern. The National League of Cities reported that more than 80 percent of 700 communities surveyed said violence is a serious problem in schools; almost 40 percent reported that the problem has increased markedly over the past five years (*The Register Guard*, November 2, 1994). School violence has increased not only quantitatively, but also qualitatively (Harootunian & Apter, 1983). Fist fights and verbal arguments between students have changed to shooting, stabbing, and other serious assaults, and have spread from urban districts to suburbs and small towns.

Because violence has become a serious problem in schools, school officials must handle violent acts occurring in various contexts. While school districts establish disciplinary rules to deal with violent students to maintain schools as orderly learning environments, school officials may not apply the ordinary disciplinary procedures to students with disabilities who engage in violent behavior. School officials and teachers must know their legal responsibilities when carrying out discipline for violent students with disabilities.

Problem Statement

Violent behavior is characterized by aggressive acts (Goldstein & Keller, 1983; Kauffman, 1989). The majority of aggressive behaviors appear in overt forms such as arguing, teasing, threatening, attacking others, possessing weapons, fighting, showing off, bragging, swearing, blaming others, and disobedience. Some aggressive behaviors appear in covert forms such as lying, stealing, setting fire, engaging in gang activities, using drugs and alcohol, and truancy (Kauffman, 1989). Severity of aggression is measured by whether aggressive behavior is age-inappropriate and persistent for a long period, and how intensively, frequently, and long aggressive behavior occurs in a wide range of social contexts (Kauffman, 1989).

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Most students with emotional or behavioral disorders (EBD) obtained such labels because they displayed a wide range of aggressive behaviors, degrees, and in various contexts (Kauffman, 1989; Ruhl & Hughes, 1985). Students with disabilities other than EBD also might display aggressive behavior because of their disabilities. For example, a student with a physical disability who was being teased by peers may display aggressive behavior toward peers. If that is his way of dealing with stress and a feeling of vulnerability (as a psychologist testified), is it appropriate to apply the same disciplinary rules that are used with ordinary students to these students with disabilities? The courts and administrative agencies have taken a clear position that students with disabilities must be protected if a student's misconduct grows out of his disabilities. This position is based on the same principle that prevents us from punishing a blind child who ignores a "stay off area" sign (Bateman & Chard, 1994). Courts and administrative agencies have provided principles and guidance on the application of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (1973) to deal properly with violent students with disabilities. As a school official or teacher, ignoring legal procedures and misunderstanding legal intent may result inadvertently in violating laws, bringing irreparable harm to students, and causing financial loss to districts.

The purpose of this paper is to provide school officials and teachers with the necessary legal background, procedural requirements, and guidance for appropriate implementation of individualized educational programs (IEP) with violent students with disabilities. This paper addresses (a) legal background of special education, (b) required procedures and issues related to discipline, and (c) discipline and proper IEP implementation.

Legal Background of Special Education

IDEA and Section 504

The Individuals with Disabilities Education Act (IDEA) (1990) and Section 504 of the Rehabilitation Act (1973) were enacted to protect students with disabilities from being "unserved" due to their disabilities. The central intent of IDEA is to provide a free appropriate public education (FAPE) to all students with disabilities. To accomplish FAPE, IDEA mandates that states implement "specially designed instruction" to meet the unique needs of children with disabilities so that they receive educational benefit. The Department of Education's Office of Special Education Programs (OSEP) has the responsibility of issuing rulings and monitoring compliance of IDEA.

Section 504 mandates that recipients receiving federal financial assistance provide FAPE to children with disabilities by designing instruction that meets their needs "as adequately as" that for students without disabilities. The primary purpose of Section 504, moreover, is to prohibit discrimination against persons based on their disability, including a wide range of persons with disabilities. All children eligible for the protection of IDEA also are eligible for the protection under Section 504. The federal Office of Civil Rights (OCR) has the responsibility of issuing rulings and monitoring compliance of Section 504.

Section 504 includes all students eligible for IDEA and a wide range of students with disabilities who are not under the protection of IDEA. Common to both laws is the provision of FAPE to children with disabilities. The next section provides a discussion on how schools should provide FAPE.

Free Appropriate Public Education

The Supreme Court ruling of *Board of Education of the Hendrick Hudson Central School District, Westchester County v. Rowley* (1982) defined FAPE as a program which (a) follows

procedural requirements of IDEA and (b) is reasonably calculated to allow the student to receive educational benefits. Thus, schools should provide FAPE to students based on the IEPs which are individually developed through IDEA's procedures to receive educational benefits. Failure to comply with the procedural requirements in developing the IEP results in violation of IDEA and Section 504.

In summary, IDEA and Section 504 were enacted to protect students with disabilities by ensuring FAPE. The IEP plays a pivotal role in assisting schools to provide FAPE to students with disabilities. The next section discusses schools' twofold responsibility to implement legitimate procedures in providing FAPE: (a) procedural safeguards and due process and (b) correct process in providing FAPE.

Required Procedures

Individualized processes must be employed in providing FAPE to students with disabilities. However, schools also must follow general procedures and processes required by IDEA and Section 504.

Procedural Safeguards and Due Process

Parental knowledge and rights are central to ensuring the law works as intended. Procedural safeguards and due process include parents' rights to have prior notice and consent in providing FAPE, to have access to a student's records, to request a hearing, and to appeal a hearing decision.

Notice. Parents must be given prior information about their rights whenever schools propose or refuse to initiate or change the identification, evaluation, program, or placement of their children. Thus, schools must provide a notice to parents prior to a change in placement. Since expulsion is a change in placement according to OCR policy (October 28, 1988), schools must provide a written notice to parents in a reasonable time before expulsion of a student (at least 10 days before the action, according to the Supreme Court decision of *Honig v. Doe*). The notice must include a full explanation of parents' rights (a) to inspect and review all education records of relevant actions and the provision of FAPE to the child, (b) to have due process, and (c) to obtain independent evaluation if students are under the IDEA's eligibility. The notice also must include a description of the action, an explanation of why the action was taken, a description of each evaluation procedure, and a description of any other factor relevant to the action. The notice must be written in the parents' native language. In providing FAPE, a school not only must comply with procedural safeguards and due process required by IDEA, but also follow correct procedures.

Correct Process in Providing FAPE

Evaluation-IEP-Placement. In providing FAPE, first, a multidisciplinary team must individually evaluate a student's eligibility for the protection of IDEA and Section 504. The student's eligibility leads to an IEP team to develop the student's IEP to meet the student's unique needs. Then a multidisciplinary team determines placement to effectively implement the student's IEP. In determining the placement, the multidisciplinary team should consider educating the student in the least restrictive environment among a range of possible placements. In carrying out evaluation-IEP development-placement, reversing the order between the IEP development and placement determination is the incorrect process in providing FAPE (Bateman, 1992; Bateman & Chard, 1994). The same correct process must be applied in changing placement, that is, the IEP should be developed prior to a change in placement.

A Change in Placement. A change in physical location is not necessarily a change in placement. However, a change in physical location requiring a change in program, or a change in program that substantially affects a

student's IEP, is a change in placement, invoking procedural safeguards and due process according to OSEP policy (August 8, 1980). At least 10 days after giving notice, the school may implement the new placement based on the new IEP unless parents request a hearing. Upon disagreement between a school and parents, the district's or parents' request for a hearing triggers the "stay-put" provision of IDEA.

Stay-Put Provision. The "stay-put" provision requires that the student stay in the current placement until hearings and appeals are completed. For example, in the Texas City Independent School District (1990), 13-year-old Jorstad was diagnosed as having a psychotic disorder. Jorstad engaged in violent and dangerous behavior involving approximately 30 physical assaults on teachers, staff, and other students. As Jorstad's behavior deteriorated to the point of trying to jump out of second floor windows and threatening to kill himself and others, the school implemented reevaluation of Jorstad by complying with procedural safeguards and due process provisions. Jorstad's misconduct was determined to be related to his disability. The school proposed a placement change to a more structured environment; however, the parents disagreed with the proposed educational placement. As a result of the parents' request for a hearing, the school had to keep Jorstad in the current educational placement until administrative proceedings could be resolved.

The "stay-put" provision prohibits school authorities from unilaterally excluding students with disabilities from a classroom during pending review proceedings. However, since the Supreme Court decision of *Honig v. Doe* (1988) refused to recognize the existence of a dangerous exception to stay-put provision, the *Jeffords Amendment* (1994) became the first exception to the stay-put provision.

Jeffords. The "stay-put" provision has made it difficult for school administrators to handle a student with disabilities who brings a gun to school because they may be forced to keep the student in the current placement. However, in the IDEA reauthorization bill which is expected to pass in early 1995, the "stay-put" provision will not be applied to IDEA students with disabilities who bring guns to school. According to the Jeffords Amendment (1994) which is now in effect and will be incorporated into the IDEA reauthorization bill, schools can move students who bring guns to school to an "alternative education placement" for a maximum of 45 days if a multidisciplinary team determines that bringing the gun to school is not related to the student's disability. During this 45-day period, parents may request a due process hearing, but the "stay put" provision will not apply. Thus, schools will not be forced to keep the student in the current placement during the 45 days; the student must remain in the alternative education placement until any appeal is resolved.

Preliminary Injunction. In extreme and immediately dangerous situations which are not related to bringing guns to schools, school districts may ask for a court order to exclude a student. In Jorstad's case, the school district petitioned for a preliminary injunction to enjoin the student from attending his regular classroom. The school district had to demonstrate that (a) retaining the student in his current placement was likely to result in irreparable harm to himself and to others, (b) the school was likely to succeed with the petition (in this case, the school had well-documented the student's behavioral condition, which was constant and dangerous), (c) a preliminary injunction would serve the public interest, and (d) the student would not suffer any realistic harm by a temporary change in placement. The court held for the district and ordered that Jorstad be limited to enrollment in the behavioral modification class or a home study program until completion of administrative review. Every district that seeks a preliminary injunction must demonstrate

these merits of their claim or something very similar.

Before seeking a court order, school districts need to make adequate determination as to whether the behavior is really dangerous and constitutes an emergency. A seemingly similar situation occurred in Texas City Independent School District (1990); the court, however, denied the school's request for emergency relief. J.D., a 15-year-old, was identified as seriously emotionally disturbed (SED). He was attending an alternative school. J.D. was very big - about six feet tall and 250 pounds - and engaged in suicidal remarks and disobedient behaviors. He threatened the principal several times. Because of these threats against the principal, he was suspended for 10 days. While his parents awaited the results of an independent evaluation, the school asked the court for a preliminary injunction to remove J.D. from the current educational placement. The court, however, rejected the school board's petition and concluded that J.D. did not meet the dangerous standard because he was verbally threatening but caused no injury. Although the laws require districts to comply with generalized procedural requirements to protect all students with disabilities, court decisions are made based on individual students' situations. Thus, making generalizations of what behavior is more dangerous than others is impossible. It is more beneficial to examine individual incidents in their unique contexts.

In summary, the school must send notice prior to a change in placement. A change in placement should be made based on the IEP. Upon the disagreement with a proposed placement, a parental request for a hearing triggers the "stay-put" provision. In an emergency situation, school districts (a) may ask for a preliminary injunction from a court to remove a student from the current placement or (b) remove IDEA students who bring guns to schools to an "alternative placement." Required procedures and issues related to discipline are discussed in the next section.

Required Procedures and Issues Related to Discipline

IDEA and Section 504 do not include specific regulations that address disciplinary procedures for students with disabilities. Administrative agencies and courts, however, have interpreted both laws and have provided principles and guidelines for disciplining students with disabilities.

Long-Term Suspension and Expulsion

According to the Supreme Court's decision in *Honig v. Doe* (1988) and OCR policy (October 28, 1988), the removal of students with disabilities from school for more than 10 consecutive school days (7 days in Oregon) constitutes *a change in placement* and invokes the procedural protections of IDEA. Section 504 regulation at 34 C.F.R.104.35 requires a recipient to reevaluate a student before any subsequent "significant change in placement" and to implement reevaluation procedures consistent with procedures required by IDEA. Thus, whenever schools intend to discipline students by expulsion or long-term suspension for more than ten consecutive school days, schools must reevaluate the students, following the requirements of the procedural safeguards and due process of IDEA and Section 504.

Required Procedures for the Discipline of Students

Review of Eligibility. Previously, only students with disabilities who are formally identified under IDEA and/or Section 504 were entitled to protection in disciplinary procedures. Presently, students who are currently undergoing evaluation for special education also are entitled to discipline protection. For example, in *In re Child with Disabilities* (1993), while the district intentionally delayed the evaluation of the student's eligibility, the district filed a juvenile petition because of the

student's vandalism; the court held for the parents. Under *M. P. v. Governing Board of the Grossmont Union High School District* (1993) and *Hacienda La Puente School District of Los Angeles v. Honig* (1992), the Ninth Circuit rejected the contention that the protection of IDEA only applied to children who previously had been determined to have disabilities. In *M.P.*, the parents alleged that their child had disabilities after the school had expelled the student who brought a gun to school. The parents requested due process, triggering the stay-put provision (this case occurred before the Jeffords Amendment; now, the "stay-put" provision does not apply in cases like this situation). On the school's refusal to admit the student, the parents sought to restrain the district from excluding the student from school. The court held for the parents. However, presently, other Circuits may or may not rule as the Ninth Circuit did in *M.P. v. Grossmont Sch. Dist.* (1993) and *Hacienda v. Honig* (1992). The procedural safeguards of IDEA may be applied regardless of whether a child previously has been identified as having disabilities.

As an exception of reevaluation, according to Americans with Disabilities Act of 1990 which is an amendment to Section 504, students who are currently engaging in the illegal use of drugs or alcohol are excluded from the protection of procedural safeguards and due process if the students are eligible for *only* Section 504. Thus, schools may expel these students without reevaluation. However, IDEA students who are currently using illegal drugs and alcohol are consistently entitled to the protection of procedural safeguards and due process; thus, schools must reevaluate IDEA students.

Determination of Relationship Between Misconduct and Disability. The Supreme Court in *Honig v. Doe* (1988) first held that districts must determine the relationship between misconduct and disability before disciplining students. According to OCR policy, a specialized, knowledgeable group of persons must determine, before expulsion or long-term suspension of students, whether the student's misconduct is related to his/her disability or whether the misbehavior is the result of an inappropriate program or placement. Even though courts are mostly concerned with whether schools followed required procedures, the court in *Stuart v. Nappi* (1978) ordered the school to conduct an immediate review of the student's program and placement upon the parents' seeking a preliminary injunction to prevent the student's expulsion. Examining the relationship between a student's disability and program and placement should be conducted, which also will help to propose alternative programs and placements.

In S-1 v. Turlington (1981), the court provided guidelines in determining whether misconduct is a "manifestation of a disability." First, a group of persons who are knowledgeable about both the student and special education should determine whether a student's misconduct is a manifestation of his/her disability; they may be the same group of people who make placement decisions. Although the Ninth Circuit in Doe v. Maher (1986) stated that the IEP team rather than a knowledgeable professional team should determine the relationship between behavior and disability, this ruling has been criticized and considered as error by the Attorney General of the state of Oregon (Bateman & Chard, 1994).

Second, *S-1 v. Turlington* (1981) said the determination must be made based on recent and relevant information, including psychological data related to the student's behavior. Third, the determination that a student's misconduct is a manifestation of a disability cannot be made based on whether the student knew the difference between right or wrong. Fourth, the determination as to whether misconduct is related to a disability cannot be made on the basis of a student's classified disability. If a student with a physical disabil-

ity, for example, misbehaves toward peers who tease him, the positive relation between the misbehavior and his disability should be determined even though the student's disability is not EBD. Early on, some individuals thought only students with EBD could cause misbehavior.

In determining a relationship between behavior and disability, most Circuit Courts accept it as an indirect relationship. For example, the Fourth Circuit Court in *Malone v. School Board of County of Prince William, Virginia* (1989) was convinced that a student with a learning disability delivered drugs because his need for peer approval and attention resulted from his disability. The courts believe that students engaging in misconduct because they have little or no control should not be punished. The Ninth Circuit, however, requires the presence of a direct relationship before determining that the misconduct is related to a student's disability (*Honig v. Doe*).

If Misconduct is Related to Disability. If a multidisciplinary team determines that a student's misconduct resulted from his/her disability or was the result of an inappropriate program or placement, the school cannot expel the student. Instead, the school should consider changing the student's program and/or placement. Then, schools must convene an IEP meeting while complying with procedural safeguards and the due process requirement of IDEA. Then, based on the IEP team's evaluation, the IEP team develops a new IEP and proposes alternative placements.

If Misconduct is Not Related to Disability. If a multidisciplinary team determines that a student's misconduct is not related to the student's disability, schools may expel or suspend the student in the same manner as students without disabilities. However, because expulsion or long-term suspension constitutes a change in placement, schools must comply with procedures required by IDEA and Section 504. Prior to placement change, schools must convene an IEP meeting to develop a new IEP which will be used during the period of exclusion from schools.

After a student is expelled from school as a result of misconduct that is not a manifestation of his/her disability, schools must continue to provide educational services for the student who is protected under IDEA. The court of *S-1 v. Turlington* (1981) considered expulsion a disciplinary tool under IDEA and Section 504; however, complete cessation of educational services during the expulsion period is not permissible for IDEA students. The Office of Special Education and Rehabilitative Services (OSERS) which is the agency in charge of IDEA administration, issued a discipline policy to provide FAPE to expelled students (September 15, 1989). The discipline policy is now being contested by Virginia and California education agencies. However, the OSERS policy was confirmed by the Seventh Circuit decision of *Metropolitan School District of Wayne Township v. Davila* (1992). Under Oregon law (ORS 327.103; 339.250[b]), schools must offer at least two appropriate and accessible alternative education programs after a student is expelled from school. Schools, however, may cease educational services for students who are protected *only* under Section 504 *and* are not in the Fifth or the Eleventh Circuits, unless the cessation of educational services constitutes discrimination against students with disabilities; the action can be consistent with actions taken for students without a disability.

In summary, whenever the removal of a student from school constitutes a change in placement, schools must re-evaluate the student, following procedures required by IDEA and Section 504. If a positive relationship between misbehavior and a disability is determined, schools must propose alternative placements or programs instead of expulsion. If no relationship between misconduct and a disability is determined, schools can expel the student but must continue to provide educational services during expulsion.

Short-Term Suspension

Schools may use short-term suspension as a disciplinary tool for students with disabilities as long as a series of suspensions does not create a pattern of exclusion that constitutes a significant change in placement. According to the OCR policy (October 28, 1988), a series of suspensions that are each of 10 days or fewer in duration creates a pattern of exclusions that constitutes a "significant change in placement." Among the factors that should be considered in determining whether a series of suspensions has resulted in a "significant change in placement" are (a) the length of each suspension, (b) the proximity of the suspensions to one another, and (c) the total amount of time the child is excluded from school. Thus, the determination of whether a series of suspensions creates a pattern of exclusion must be made on a case-by-case basis. Under Or-

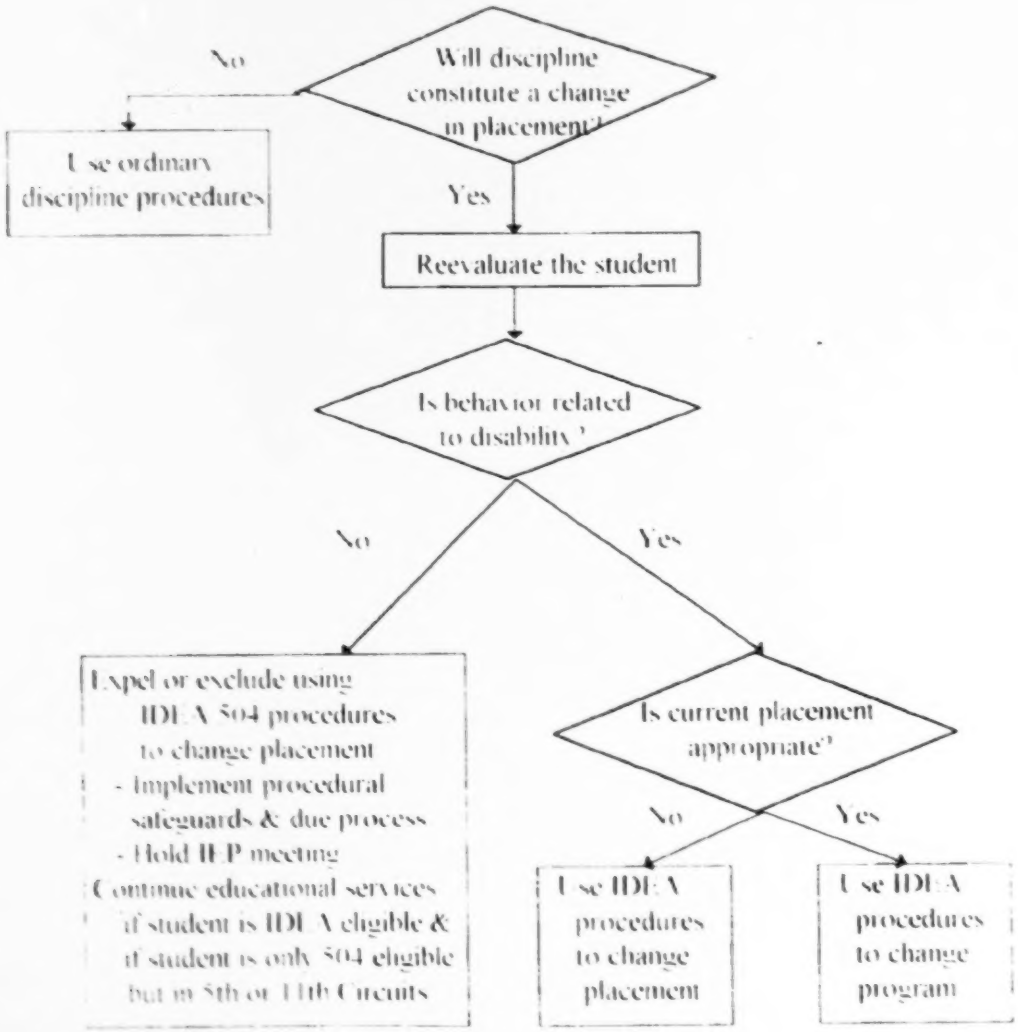
Will discipline constitute a change in placement?
No
Use ordinary discipline procedures
Yes
Reevaluate the student
Is behavior related to disability?
No
Yes
Expel or exclude using IDEA 504 procedures to change placement
- Implement procedural safeguards & due process
- Hold IEP meeting
Continue educational services if student is IDEA eligible & if student is only 504 eligible but in 5th or 11th Circuits
Is current placement appropriate?
No
Yes
Use IDEA procedures to change placement
Use IDEA procedures to change program

Figure 1. Legal discipline for section 504/IDEA eligible student procedures.

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egon law, a suspension may not exceed seven calendar days. In an emergency situation, schools can temporarily suspend students.

Emergency Situation

In an immediately dangerous situation, schools may use temporary suspension. However, before short-term suspension becomes a change in placement exceeding 10 school days cumulatively, school districts would be wise to re-evaluate the student's program and/or placement. In the Denver Public School District in Colorado (1992) for example, a student with emotional and learning disabilities brought a gun to school. The district initially suspended him for 5 days and then extended the suspension for another 15 days. At the end of the suspension, a staffing committee determined that his misconduct was related to his disability and proposed a change in placement. An OCR investigation of the case pointed out that this suspension, exceeding 10 consecutive days, constituted a change in placement and required re-evaluation. The OCR concluded that the district's failure to conduct the re-evaluation before his significant change in placement is a violation of FAPE. Thus, students who display repeated misbehavior and earn frequent suspensions should be re-evaluated before short suspensions (i.e., less than 10 days) become a change in placement.

To summarize, schools may implement temporary suspension as disciplinary tools and to cope with an emergency situation; however, immediately conducting re-evaluation of the student would be appropriate and safe. In the following section, students who engage in minor violent behaviors and the appropriate IEP implementation are discussed.

Discipline and IEP Implementation: Case Laws

IDEA requires that an IEP include a statement of a student's present level of educational performance, annual goals, and special education and related services to be provided to each student. IDEA expressively does not mandate the particular teacher, materials, or instructional methods to be included in the IEP. However, if parents complain that their children are not receiving educational benefit from a current program and methods, an investigation may be initiated to determine whether the school district carried out its legal responsibilities in properly implementing the IEP. In the following section, case law that yields important lessons about the proper implementation of IEPs and discipline is discussed.

Discipline and IEP Components

If an IEP includes discipline strategies, schools should use the discipline strategies specified in the student's IEP in actual contexts. In regard to this issue, one OCR investigation of *West Las Vegas, NM School District* (1993) revealed that a bus driver, who according to the district policies was responsible for resolving disciplinary problems occurring on the bus, used corporal punishment and denied bus services to a student with a behavior disorder. OCR found that the student's IEP specified certain disciplinary strategies that were to be used in dealing with his problem behavior on the bus; the school, however, did not inform the driver of the appropriate disciplinary techniques for the student. OCR concluded that the district violated the regulation of IDEA and Section 504 by failing to properly implement the student's IEP. This case shows that disciplinary or behavioral strategies specified in an IEP must be implemented appropriately in relevant contexts.

Another OCR investigation of San Juan Unified School District in California (1993) offered several suggestions as to proper implementation of FAPE related to discipline. The school disciplined a 13-year-old student with a learning disability and attention deficit hyperactivity disorder (ADHD) by means of a series of suspensions, which totaled more than 10 days cumulatively. OCR concluded that a

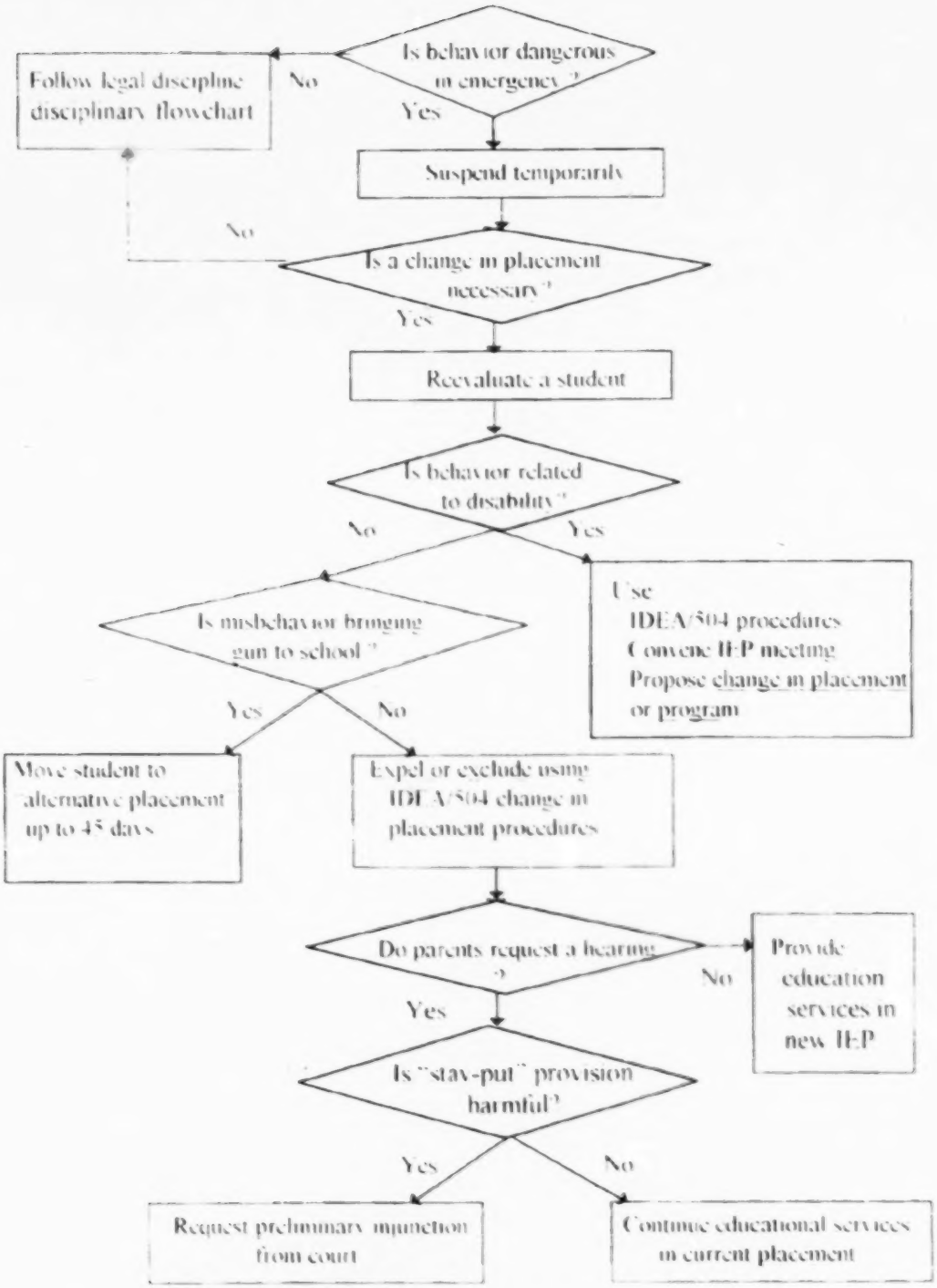

Figure 2. Discipline procedures requiring emergency flowchart.

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series of suspensions constituted a significant change in placement. The school district's failure to re-evaluate the student violated regulations of IDEA and Section 504. According to the OCR investigation, the school placed the student in the current program because the previous teacher expressed willingness to work with him and suspended him while a series of substitute teachers were teaching. The student's behavior, however, continued to deteriorate during the discipline period. Beyond the inappropriate educational decisions and incorrect discipline procedures, the most highlighted issue in this case was that the school failed to ensure that the student regularly took the medication that she needed to interact appropriately in the school setting. OCR concluded that the administration of the student's medication was a related service because the student's IEP states that the medication should be taken consistently. The school district had responsibilities to ensure that the student took the medication because the student had a long history of attention problems related to ADHD. Therefore, the district failed to provide a related service and denied the student FAPE in violation of IDEA and Section 504.

Silver Lake Regional School District, Massachusetts (1994) offered a positive example in implementing discipline measures and developing the IEP. Louis was an 18-year-old student with ADHD and oppositional/defiant disorders. He had been disciplined by a series of detentions because of his minor inappropriate behaviors such as class tardiness, fooling around in class, and pushing the emergency intercom button. The school's record indicated that Louis could conform his behavior to disciplinary rules. The school developed an IEP that included behavioral strategies such as preferential seating, cueing, and redirection to maximize development of Louis' behavioral skills. Additionally, the IEP included the statement of discipline measures: Louis did not require modification of the school disciplinary code; the school planned to provide a special education consultant and counseling by psychologists as needed. The parents challenged, arguing that modification of the disciplinary code is necessary for Louis because he cannot conform his behavior to rules, and his self-esteem decreased during suspensions. However, the hearing officer considered that Louis needed the school's disciplinary rules to have consequences for his actions in order to gain better control over his impulsive behaviors. Thus, the hearing officer ordered the school to discipline Louis according to his IEP. This case shows that including specific behavioral strategies and disciplinary measures on IEPs is appropriate, particularly if students are suspected to have behavioral deficits and a disciplinary record. However, schools cannot use the IEP to waive students' rights to disciplinary protection. For example, many schools write on the IEP that parents will remove a child from school when the district calls to remove the child; then, they call it a "parental removal" instead of the suspension it really is (from personal conversation with Bateman, December 2, 1994).

IEPs are important for students to improve their behavior and to receive educational benefits. Often schools omit behavioral components from students' IEPs because of difficulties in determining target behavior, developing curricula for social skills, and writing behavioral objectives (Sugai & Colvin, 1990). However, school districts should know that IEPs can be used to guide school personnel in improving behavior and in disciplining students properly and legally.

In summary, the IEP consists of specially designed instruction and related services to meet needs of individual students. School districts have responsibilities to properly develop and implement IEPs. For students to receive educational benefits and improve their behaviors, they must have access to these properly developed and implemented IEPs.

Conclusion

The purposes of IDEA and Section 504 are to protect students with disabilities. Therefore, laws vigorously seek to distinguish a student's violent behavior that can be attributed to his or her disability from violent behavior that is not associated with a disability. Although much research has proposed various hypothetical explanations of why students engage in violent behavior (Baron & Richardson, 1994), research has found no methodologies that explain specific causal relationships between violent behavior and its attributing factors (Kauffman, 1989, 1994). At present, the process of distinguishing misconduct from disability depends on professionals' opinions rather than reliance on scientific methods. From the view that individual students' violent behaviors are learned within individual histories in unique contexts, it is pleasing that courts have evaluated individual cases by examining each unique situation within the established framework of law. Like court cases, schools cannot apply universal discipline rules to all students. No general disciplinary rules which can apply to all students with disabilities exist; however, IDEA, Section 504, and administrative rulings provide discipline procedures which should be generalized to all students with disabilities. Thus, schools should examine the unique and complex situations of individual students, but within the required procedures of the law.

This paper has attempted to further the understanding of the underlying purpose of required procedures and issues related to disciplining students with disabilities. A better understanding of legal intent also might help school officials and teachers to properly perform their responsibilities with fewer conflicts in violent school environments.

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